

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NEPTUNE TECHNOLOGIES &)	
BIORESSOURCES, INC.,)	
)	
Plaintiff,)	C.A. No. 11-895-GMS
)	
v.)	
)	
ENZYMOTEC LIMITED, ENZYMOTEC USA,)	
INC., MERCOLA.COM HEALTH RESOURCES,)	
LLC and AZANTIS INC.)	
)	
Defendants.)	

**STIPULATION BETWEEN PLAINTIFF AND THE ENZYMOTEC DEFENDANTS AND
[PROPOSED] ORDER OF DISMISSAL**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Neptune Technologies & Bioressources, Inc. (“Neptune”) and Defendants Enzymotec Ltd., Enzymotec USA, Inc. (individually and collectively, “Enzymotec”), hereby stipulate and agree that Neptune’s claims against Enzymotec, as well as Enzymotec’s counterclaims against Neptune, in the above-captioned action shall be dismissed with prejudice.

Notwithstanding the foregoing, dismissal with prejudice of Enzymotec’s counterclaims against Neptune will be without prejudice to re-file those claims and/or assert any and all defenses, claims, and counterclaims if Neptune later accuses Enzymotec Ltd., Enzymotec USA, Inc., their respective current affiliates, any newly created affiliate of Enzymotec resulting from a corporate restructuring, or any of Enzymotec’s past, present, and future direct and indirect customers, developers, vendors, distributors, manufacturers or encapsulators, users and purchasers of products, employees, Board members and providers of logistics, importation, and sales services and suppliers of infringing any existing or future patent owned or controlled by Neptune or its successors anywhere in the world having U.S. Provisional Patent Application No.

60/307,842 filed July 27, 2001 and International PCT Patent Application PCT/CA2002/001185 (W0/2003/011873) filed July 29, 2002 as ancestors, including all foreign counterparts, continuations, continuations in part, and divisions of any such patents (all such patents referred to collectively as the “the ‘348 patent family”).

Neptune and Enzymotec shall each bear their own costs and attorneys’ fees incurred in connection with this action.

This stipulation is between only Neptune and Enzymotec, and the order of dismissal relates only to those parties.

Dated: April 29, 2014

ASHBY & GEDDES

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IT IS SO ORDERED this _____ day of _____, 2014.

Chief Judge
The Honorable Gregory M. Sleet